

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search Regarding: No. 4:25-mj-11

25-016-04

**APPLICATION FOR SEARCH
AND SEIZURE WARRANT**

I, Kevin Wiese, being duly sworn depose and say:

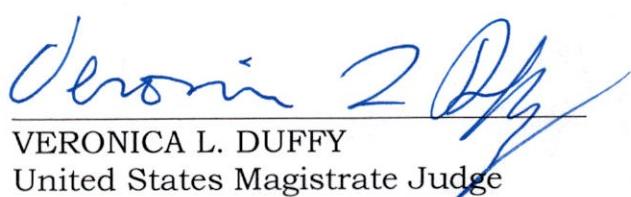
I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, and have reason to believe that on the persons or bodies of Patrick Bettelyoun, currently located in the District of South Dakota, there is now concealed certain property, namely: head hair, skin, saliva, cheek skin samples, and DNA, which I believe is property constituting evidence of the commission of a criminal offense, contraband, the fruits of crime, or things otherwise criminally possessed, or property designed or intended for use or which is or has been used as the means of committing a criminal offense, concerning violations of 18 U.S.C. §§ 922(g)(1) and 922(g)(3).

The facts to support a finding of Probable Cause are contained in my Affidavit filed herewith.



Kevin Wiese, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Subscribed and sworn to me, in my presence, on the 27th day of January, 2025, at Sioux Falls, South Dakota.



VERONICA L. DUFFY
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search Regarding: No. 4:25-mj-11

25-016-04

SEARCH AND SEIZURE WARRANT

TO: ANY AUTHORIZED LAW ENFORCEMENT OFFICER

An application by a federal law enforcement officer or an attorney for the government requests the search of the following property: Patrick Bettelyoun's person including DNA buccal swabs.

I find that the affidavit, or any recorded testimony, establish probable cause to search and seize the property described above, and that such search will reveal evidence of violations of 18 U.S.C. §§ 922(g)(1) and 922(g)(3).

YOU ARE COMMANDED to execute this warrant on or before

- Feb. 10, 2025 (not to exceed 14 days)
 in the daytime - 6:00 a.m. to 10:00 p.m.
 at any time in the day or night as I find reasonable cause has been established.

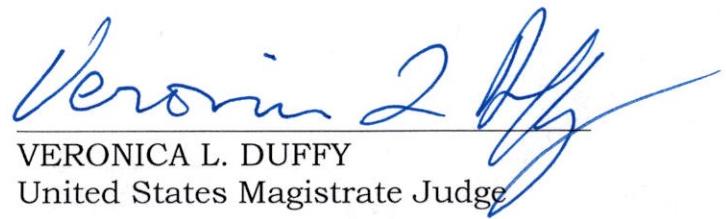
Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the undersigned Judge.

- Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized,
 for _____ days (*not to exceed 30*).

 until, the facts justifying, the later specific date of _____.

Jan. 27, 2025 at 10:35^{am CST} at Sioux Falls, South Dakota
Date and Time Issued


VERONICA L. DUFFY
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

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RETURN

Date and time warrant executed: _____

Copy of warrant and inventory left with: _____

Inventory made in the presence of: _____

Inventory of the property taken and name of any person(s) seized (attach additional sheets, if necessary):

CERTIFICATION

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Kevin Wiese, Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search Regarding: No. 4:25-mj-11

25-016-04

**AFFIDAVIT IN SUPPORT OF
SEARCH WARRANT
APPLICATION**

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF MINNEHAHA)

I, Kevin Wiese, being first duly sworn upon oath depose and state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, and have been since September 2015. I am currently assigned to the ATF Field Office in Sioux Falls, South Dakota. I received training through the Criminal Investigator Training Program and Special Agent Basic Training at the Federal Law Enforcement Training Center. I am responsible for investigating violations of the United States Criminal Code. I was previously employed as a certified law enforcement Officer and Detective with the Omaha Police Department in Omaha, Nebraska, from June of 2007 until September of 2015. During time as a law enforcement officer, detective, or agent, I have conducted criminal investigations and assisted in criminal investigations to include, but not limited to, homicides, felony assaults, gang activity and shootings, officer involved shootings, child sexual assaults, sexual assaults, robberies, burglaries, narcotics investigations, firearm crimes, explosives related crimes, and other crimes. I have prepared and/or assisted on numerous search warrants for the location and seizure of evidence in relationship to these crimes. I have also successfully completed numerous training sessions on various aspects of criminal investigations, to include controlled substance (or drug) crimes and drug abuse recognition, gang activity, crimes against children, street crimes, felony assaults, crime scene investigation, firearms crimes, explosives, destructive devices, and digital evidence. I also have obtained a Bachelor of Science Degree in Criminal Justice from Wayne State College, Nebraska, a Master of Science degree in Justice Administration and Crime Management from Bellevue University, Nebraska, a Master's Certificate in the area of Explosives Technology from the Missouri University of Science and Technology, and a Master's Certificate from Oklahoma State University for Forensic Arson, Explosives, Firearms, and Toolmarks Investigations. In 2021, I became a Certified Explosives Specialist after completing numerous trainings and education in the area of explosives and destructive devices. In 2023, I became a

United States Public Safety Bomb Technician after completing the FBI's Hazardous Devices School Public Safety Bomb Technician Certification.

2. I base this affidavit on my personal participation in this investigation, as well as discussions with other law enforcement officers directly involved in this investigation, along with reviewing official reports submitted in relation to this investigation.

3. This affidavit is made in support of a warrant to search Patrick BETTELYOUN's person, currently incarcerated in Rapid City, South Dakota, Pennington County, South Dakota, for DNA evidence associated with being a felon in possession of a firearm and/or ammunition under 18 U.S.C. § 922(g)(1), and being a user of illegal drugs in possession of a firearm and/or ammunition under 18 U.S.C. § 922(g)(3).

4. Patrick Riley BETTELYOUN is described as a male, 6'03", approximately 220lbs, brown eyes, DOB: 07/28/1979, South Dakota Driver's License # 01346813, FBI # 244564MB7, and SSN: 503-98-8583.

FACTUAL BACKGROUND

5. On October 08, 2024, the United States Marshals Service, Deputy John "Jack" Valentine, was involved in a traffic stop in Sioux Falls, South Dakota, regarding Patrick BETTELYOUN. BETTELYOUN had an active warrant out for his arrest for being a parole absconder. I received a phone call from Deputy Valentine regarding a firearm located in the near vicinity of BETTELYOUN, who was reportedly a convicted felon. ATF SA Derek Malone and I went to the location near 5th Street and N. Spring Avenue, Sioux Falls, Minnehaha County, South Dakota. The firearm regarding this investigation was identified as a SCCY, model CPX-2, 9mm caliber pistol, bearing serial number C172064. It was also reported from Deputy Valentine and the Sioux Falls Police Department that there were illegal drugs located, including suspected fentanyl. Also on scene was Department of Homeland Security Special Agent David Hohn, and South Dakota Parole Agents Klinger and Brandon.

6. I learned from law enforcement on scene that BETTELYOUN had been spotted and was being watched by South Dakota Parole, who then called the United States Marshals Service (USMS). When members from the USMS arrive, BETTELYOUN's vehicle was stopped; BETTELYOUN was the lone occupant and in the driver's seat of a vehicle which was known to be used by BETTELYOUN, a black Chevrolet sedan with South Dakota License Plate 17CF81. BETTELYOUN was taken into custody by the USMS. South Dakota Parole Officers searched the vehicle and located a firearm in the front driver's seat door which was not fully concealed in the door pocket while there. Also found in BETTELYOUN's pockets were methamphetamine and what was believed to be fentanyl. In BETTELYOUN's socks were found a baggie of

methamphetamine and a rolled-up piece of paper with blue powder, thought to be fentanyl. Other items found in the vehicle included multiple syringes, powdered suspected drugs, and a box of ammunition.

7. On October 9, 2024, BETTELYOUN spoke with South Dakota Parole, signing a form and admitting the use of methamphetamine and fentanyl. The firearm and ammunition items located were submitted to the South Dakota Forensic Laboratory for further analysis. On January 7, 2025, I reviewed a DNA laboratory report from the South Dakota Forensic Laboratory detailing that a swab was taken from the ammunition in a box located in the vehicle, which found a DNA profile suitable for comparison if a known reference sample was submitted. Regarding all other swabs taken from the firearm and other ammunition, there was no sample found to be suitable for comparison to a known sample.

8. Due to a laboratory personnel reporting that a sample was found that is suitable for comparison if a known reference sample is submitted, I am requesting a search warrant authorizing myself and/or fellow law enforcement officials and/or officers (including Homeland Securities Investigation Special Agent David Hohn) to take buccal swabs from Patrick BETTELYOUN for comparison.

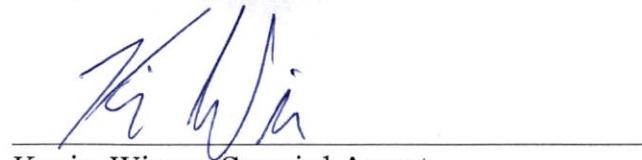
9. The DNA samples sought herein will be collected by buccal swabbing. This method involves taking a sterile swab (similar to a Q-Tip) and gently scrubbing the inside right cheek, then the inside left cheek, for approximately five to 10 seconds. Two samples are requested in the event that one of the samples becomes contaminated or otherwise cannot be tested. The DNA samples seized will be subsequently submitted to the South Dakota Forensic Laboratory to be compared to DNA located from the ammunition in an ammunition box found in the vehicle being operated by BETTELYOUN.

10. I know, from training and experience, that deoxyribonucleic acid (DNA) is used in the development and functioning of all living organisms and small amounts of biological material (blood, saliva, skin cells, hair, and perspiration) can transfer to a wide variety of items, such as clothing, items touched, and many other items which can include firearms, firearm accessories, ammunition, and items such as a destructive device. The biological material can be detected and analyzed for DNA to be used for personal identification. A DNA buccal swab taken from the inside of a person's mouth is a reliable method of sample collection and is used as a known sample for comparison to the DNA found on objects, such as firearms and/or destructive devices.

11. Based on the foregoing, I believe evidentiary items can be located on Patrick BETTELYOUN's person, who is currently incarcerated in Rapid City, Pennington County, South Dakota, that include DNA buccal swabs from Patrick

BETTELYOUN, to be compared to DNA evidence obtained from the aforementioned item, which would assist in identifying evidence of violations of 18 U.S.C. §§ 922(g)(1) and 922(g)(3).

12. Based on the foregoing, I am requesting a search warrant to seize DNA in the form of buccal swabs from Patrick BETTELYOUN.



Kevin Wiese, Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Subscribed and sworn to me, in my presence, this 27th day of January, 2025, at Sioux Falls, South Dakota.



VERONICA L. DUFFY
United States Magistrate Judge